

**Elliott Bay Trustee Council  
Lower Duwamish River  
Resolution 2017-01**

In this Resolution by the Elliott Bay Trustee Council, the Trustee Council: 1) Conditionally approves the purchase of thirty (30) credits in the Bluefield Holdings Site 2 Restoration Bank Project (“Site 2 credit purchase”); 2) Approves disbursement of \$3 million to the Muckleshoot Tribe from the Pacific Sound Resources/Wyckoff Settlement account (Account Project number 0370); and 3) Approves the transfer of \$3 million by the Muckleshoot Indian Tribe to Bluefield Holdings for the Site 2 credit purchase once the Trustee Council agrees that Bluefield Holdings has met the requirements set forth in this Resolution and detailed below.

Adopted:        March 15, 2017

Attachments: *Final Environmental Assessment for the Bluefield Holdings Site 2 Credit Purchase; Finding of No Significant Impact for the Bluefield Holdings Site 2 Credit Purchase; and Memorandum of Agreement between Bluefield Holdings, Inc. and the Elliott Bay Trustee Council* (unexecuted).

The Elliott Bay Trustee Council (“Trustee Council”) consists of the National Oceanic and Atmospheric Administration (“NOAA”), for the U.S. Department of Commerce (acting as Lead Administrative Trustee); the U.S. Department of the Interior (“DOI”), represented by the U.S. Fish and Wildlife Service; the Muckleshoot Indian Tribe; the Suquamish Tribe; and the Washington Department of Ecology (as lead state Trustee), Washington Department of Natural Resources, and Washington Department of Fish and Wildlife (as state co-Trustees). The Trustee Council is operating under the *Memorandum of Agreement for Elliott Bay, the Duwamish River and Eagle Harbor* (effective date January 19, 2006) (“Trustee MOA”). The Trustee MOA provides the framework for implementing joint damage assessment and restoration actions by the Trustee Council in Elliott Bay and the Lower Duwamish River.

The Trustee Council previously issued a Request for Proposals for restoration projects in the Lower Duwamish River seeking funding from the Trustee Council Pacific Sound Resources/Wyckoff settlement account. Monies in the settlement account are dedicated to restoration implementation in the Duwamish River and Elliott Bay. After reviewing the submitted proposals, the Trustee Council selected the Bluefield Holdings Site 2 Project, which is anticipated to be part of an established restoration bank, as the most appropriate project proposal for receiving funding. As a result, the Trustee Council tentatively agreed to purchase thirty (30) restoration credits generated by the project at a cost of \$3 million, contingent upon satisfaction of all the conditions set forth in the Memorandum of Agreement between Bluefield Holdings and the Trustee Council (“Bluefield MOA”). The \$3 million is currently held in the DOI Natural Resource Damage Assessment and Restoration Fund, and is comprised of the natural resource damages recovered in *United States, the Suquamish Tribe and the Muckleshoot Indian Tribe v. Pacific Sound Resources, et al.*, W.D. Wash. C94-687 (entered August 29, 1994) (“Settlement Funds”).

The required National Environmental Policy Act analysis for the Site 2 credit purchase resulted in a Finding of No Significant Impact (FONSI) and is attached to this resolution. Therefore, the Trustee

Council will release \$3 million to purchase thirty (30) restoration credits once the Bluefield MOA is executed by all parties, and Bluefield Holdings has provided the Trustee Council with written certification and required documentation that it has met each of following three requirements:

- 1) Recordation of all access agreements, covenants and/or restrictions for the Site 2 Project, and conveyance of the recorded Environmental Covenant and Access Agreements to the Trustee Council (in accordance with V.B. 12 of the Bluefield MOA);
- 2) Securing all the Performance Guarantees for construction and operation and maintenance of the Site 2 Project, as required in the sole discretion of the Trustee Council (in accordance with V.B. 13 of the Bluefield MOA); and
- 3) Transfer of stewardship funds for the Site 2 Project to the City of Seattle as required under the Master Lease agreement between the City of Seattle and Bluefield, effective February 23, 2009 pursuant to Ordinance Number 122729.

The Bluefield MOA also requires that Bluefield obtain all necessary permits for the project and all required insurance policies.

**Now, therefore, it is resolved that:**

1. The Trustee Council conditionally approves the purchase of thirty (30) restoration credits in the Bluefield Holdings Site 2 Project, once Bluefield Holdings provides written certification and required documentation that it has met the three requirements set forth in this Resolution.
2. The Trustee Council approves the disbursement of \$3 million of the Settlement Funds to the Muckleshoot Indian Tribe for the credit purchase once Bluefield Holdings provides written certification and required documentation that it has met the three requirements referenced above, with the understanding that the Muckleshoot Indian Tribe will then transfer the \$3 million to Bluefield Holdings to complete the purchase of thirty (30) restoration credits in the Site 2 Project.
3. This Resolution becomes operable upon execution by all parties of the Bluefield MOA. If Bluefield Holdings fails to execute any of the requirements set forth in this Resolution, the Resolution will be rescinded and deemed null and void, and the Settlement Funds will not be transferred.

By their signatures below, representatives of the Elliott Bay Trustee Council hereby certify that this Resolution, 2017-01, was adopted in compliance with decision-making procedures of the Trustee Council.

NOAA:

By: Rebecca Hoff Date 3/15/17

U.S. Fish and Wildlife Service, on behalf of the U.S. Department of the Interior:

By: \_\_\_\_\_ Date \_\_\_\_\_  
Jeff Krausmann

Washington State Department of Ecology (Lead State Trustee):

By: \_\_\_\_\_ Date \_\_\_\_\_  
Donna Podger

The Muckleshoot Indian Tribe:

By: \_\_\_\_\_ Date \_\_\_\_\_  
Glen St. Amant

The Suquamish Tribe:

By: \_\_\_\_\_ Date \_\_\_\_\_  
Richard Brooks

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By:  \_\_\_\_\_  
Jeff Krausmann Date 15 MAR 17

Washington State Department of Ecology (Lead State Trustee):

By: \_\_\_\_\_  
Donna Podger Date \_\_\_\_\_

The Muckleshoot Indian Tribe:

By: \_\_\_\_\_  
Glen St. Amant Date \_\_\_\_\_

The Suquamish Tribe:

By: \_\_\_\_\_  
Richard Brooks Date \_\_\_\_\_

ATTORNEY WORK PRODUCT / CONFIDENTIAL

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Jeff Krausmann Date \_\_\_\_\_

Washington State Department of Ecology (Lead State Trustee):

By: Donna Podger Date 3/15/17  
Donna Podger

The Muckleshoot Indian Tribe:

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Glen St. Amant Date \_\_\_\_\_

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Donna Podger Date \_\_\_\_\_

The Muckleshoot Indian Tribe:

By:  Date 3-30-17  
Glen St. Amant

The Suquamish Tribe:

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The Muckleshoot Indian Tribe:

By: \_\_\_\_\_  
Glen St. Amant Date \_\_\_\_\_

The Suquamish Tribe:

By: Richard Brooks 3/15/17  
Richard Brooks Date